

SENATE BILL 852

I3
SB 892/17 – FIN

3lr2693
CF HB 795

By: **Senators Gile, Feldman, Corderman, Kagan, Klausmeier, Lam, and Salling**
Introduced and read first time: February 6, 2023
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Consumer Protection – Ticket Sales**
3 **(Event–Goer Rights and Accountable Sales (ERAS) Act)**

4 FOR the purpose of requiring a ticket issuer, primary ticket sales platform, or secondary
5 ticket exchange to implement a certain refund policy for tickets to certain
6 entertainment events; prohibiting a ticket issuer or seller from restricting the resale,
7 transfer, or offer of resale of tickets or requiring certain identification at the venue;
8 requiring a ticket seller, primary ticket sales platform, or secondary ticket exchange
9 platform to display certain information; authorizing an operator of a venue or an
10 agent of the operator to take certain actions relating to the behavior of individuals
11 for entertainment events; and generally relating to the transfer, sale, and resale of
12 tickets for entertainment events.

13 BY repealing and reenacting, with amendments,
14 Article – Commercial Law
15 Section 14–4001 through 14–4004
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2022 Supplement)

18 BY adding to
19 Article – Commercial Law
20 Section 14–4002 through 14–4005
21 Annotated Code of Maryland
22 (2013 Replacement Volume and 2022 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Commercial Law**

26 14–4001.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



- 1 (a) In this subtitle the following words have the meanings indicated.
- 2 (b) (1) “Entertainment event” means:
- 3 (i) A performance;
- 4 (ii) A recreation;
- 5 (iii) An amusement;
- 6 (iv) A diversion;
- 7 (v) A spectacle;
- 8 (vi) A show; or
- 9 (vii) Any similar event.
- 10 (2) “Entertainment event” includes:
- 11 (i) A theatrical or musical performance;
- 12 (ii) A concert;
- 13 (iii) A film;
- 14 (iv) A game;
- 15 (v) A ride; and
- 16 (vi) A sporting event.
- 17 (c) (1) “Lower-level domain name” means the portion of text in a URL that is
18 to the left of top-level domains such as .com, .net, or .org.
- 19 (2) “Lower-level domain name” includes:
- 20 (i) A second-level domain name;
- 21 (ii) A third-level domain name; and
- 22 (iii) Any other subdomain name.
- 23 **(D) “PRIMARY TICKET SALES PLATFORM” MEANS A MARKETPLACE**
24 **OPERATED BY OR ON BEHALF OF A TICKET ISSUER FOR CONSUMERS TO MAKE AN**
25 **INITIAL PURCHASE OF TICKETS FROM A TICKET ISSUER.**

1 **(E) “RESALE” MEANS ANY PURCHASE OF A TICKET SUBSEQUENT TO THE**
2 **INITIAL PURCHASE FROM A TICKET ISSUER, REGARDLESS OF THE METHOD OF**
3 **DELIVERY OR TRANSFER OF THE TICKET.**

4 **(F) “SECONDARY TICKET EXCHANGE” MEANS AN ELECTRONIC**
5 **MARKETPLACE THAT ENABLES CONSUMERS TO SELL, PURCHASE, AND RESELL**
6 **TICKETS.**

7 **[(d)] (G) “Ticket” means a ticket for admission to an entertainment event.**

8 **(H) (1) “TICKET ISSUER” MEANS A PERSON THAT, DIRECTLY OR**
9 **INDIRECTLY, ISSUES TICKETS FOR AN ENTERTAINMENT EVENT.**

10 **(2) “TICKET ISSUER” INCLUDES:**

11 **(I) A MUSICIAN OR MUSICAL GROUP;**

12 **(II) AN OPERATOR OF A VENUE;**

13 **(III) A SPONSOR OR A PROMOTER OF AN ENTERTAINMENT**
14 **EVENT;**

15 **(IV) A SPORTS TEAM PARTICIPATING IN AN ENTERTAINMENT**
16 **EVENT;**

17 **(V) A SPORTS LEAGUE WHOSE TEAMS ARE PARTICIPATING IN**
18 **AN ENTERTAINMENT EVENT;**

19 **(VI) A THEATER COMPANY; OR**

20 **(VII) AN AGENT OF ANY OF THE PERSONS LISTED IN ITEMS (I)**
21 **THROUGH (VI) OF THIS PARAGRAPH.**

22 **[(e)] (I) “Ticket website” means a website:**

23 (1) Advertising the sale or resale of tickets;

24 (2) Offering the sale or resale of tickets; or

25 (3) Facilitating a secondary ticket exchange or electronic marketplace that
26 enables consumers to sell, purchase, and resell tickets to an entertainment event in the
27 State.

1 **[(f)] (J)** “URL” means the Uniform Resource Locator for a website.

2 **[(g)] (K)** “Venue” means a theater, a stadium, a field, a hall, a convention center,
3 a fairground, or any other facility where an entertainment event takes place.

4 **14-4002.**

5 **A TICKET ISSUER, TICKET SELLER, PRIMARY TICKET SALES PLATFORM, OR**
6 **SECONDARY TICKET EXCHANGE MAY NOT:**

7 **(1) PROHIBIT OR RESTRICT THE TRANSFER, RESALE, OR OFFER FOR**
8 **RESALE OF A TICKET;**

9 **(2) REQUIRE AN ADDITIONAL FEE FOR THE TRANSFER OF A TICKET**
10 **BY THE PURCHASER TO ANOTHER PERSON; OR**

11 **(3) IMPOSE LICENSE OR CONTRACTUAL TERMS ON THE INITIAL SALE**
12 **OF A TICKET THAT:**

13 **(i) PROHIBIT OR RESTRICT THE TRANSFER, RESALE, OR OFFER**
14 **FOR RESALE OF A TICKET; OR**

15 **(ii) REQUIRE THE PURCHASER OF A TICKET TO PRESENT TO**
16 **GAIN ENTRY TO AN ENTERTAINMENT EVENT:**

17 1. **A PHOTO IDENTIFICATION OF THE PURCHASER; OR**

18 2. **THE CREDIT CARD ORIGINALLY USED TO PURCHASE**
19 **THE TICKET.**

20 **14-4003.**

21 **(A) EACH TICKET ISSUER, TICKET SELLER, PRIMARY TICKET SALES**
22 **PLATFORM, AND SECONDARY TICKET EXCHANGE SHALL IMPLEMENT A STANDARD**
23 **REFUND POLICY THAT PROVIDES A PURCHASER OF A TICKET A FULL REFUND NOT**
24 **LATER THAN THE SOONER OF 30 DAYS FROM THE REQUESTED REFUND OR AFTER**
25 **THE ORIGINALLY SCHEDULED EVENT, IF:**

26 **(1) THE ENTERTAINMENT EVENT IS CANCELED WITHOUT BEING**
27 **RESCHEDULED;**

28 **(2) THE TICKET PURCHASER RECEIVES A COUNTERFEIT TICKET;**

1 **(3) THE TICKET ISSUER HAS CANCELED THE TICKET FOR**
2 **NONPAYMENT OF THE TICKET PRICE BY THE INITIAL PURCHASER OR FOR ANY**
3 **REASON OTHER THAN AN ACT OR OMISSION OF THE PURCHASER;**

4 **(4) THE TICKET FAILS TO CONFORM TO THE DESCRIPTION THAT THE**
5 **TICKET SELLER PROVIDED;**

6 **(5) A PERFORMER CANCELS OR WITHDRAWS FROM THE**
7 **ENTERTAINMENT EVENT;**

8 **(6) THE EVENT WAS NOT CANCELED BUT A NATURAL DISASTER WAS**
9 **DECLARED BY A GOVERNMENTAL ENTITY;**

10 **(7) THE PURCHASER DID NOT RECEIVE THE TICKET BEFORE THE**
11 **OCCURRENCE OF THE ENTERTAINMENT EVENT UNLESS THE FAILURE OF RECEIPT**
12 **WAS DUE TO AN ACT OR OMISSION OF THE PURCHASER; OR**

13 **(8) THE TICKET DID NOT PROVIDE THE PURCHASER ADMISSION TO**
14 **THE ENTERTAINMENT EVENT FOR WHICH THE TICKET WAS PURCHASED.**

15 **(B) REFUND OF A TICKET UNDER THIS SECTION SHALL INCLUDE:**

16 **(1) THE FULL AMOUNT THE PURCHASER PAID FOR THE TICKET; AND**

17 **(2) ALL FEES CHARGED IN CONNECTION WITH THE PURCHASE OF THE**
18 **TICKET, INCLUDING DOWNLOAD FEES, DELIVERY FEES, AND SHIPPING FEES.**

19 **(C) A TICKET SELLER MAY SATISFY THE REQUIREMENTS OF THIS SECTION**
20 **BY USING A SECONDARY TICKET EXCHANGE THAT COMPLIES WITH THE**
21 **REQUIREMENTS OF THIS SECTION.**

22 **14-4004.**

23 **(A) EACH TICKET ISSUER, TICKET SELLER, PRIMARY TICKET SALES**
24 **PLATFORM, AND SECONDARY TICKET EXCHANGE SHALL:**

25 **(1) LIST THE TICKET PURCHASE PRICE INCLUDING ALL FEES AND**
26 **TAXES;**

27 **(2) ESTABLISH A MAXIMUM MARKUP VALUE OF \$0; AND**

1 **(3) PROMINENTLY DISPLAY NOTIFICATION TO A CONSUMER**
2 **PURCHASING FROM A SECONDARY TICKET EXCHANGE OF THE CONSUMER'S RIGHT**
3 **TO A REFUND.**

4 **(B) EACH PRIMARY TICKET SELLER SHALL:**

5 **(1) DISCLOSE THE NUMBER, SEAT LOCATION INFORMATION, AND**
6 **RELEASE DATE FOR ANY TICKETS HELD FOR PRERELEASE; AND**

7 **(2) DISPLAY THE SEAT NUMBER AND ROW FOR ANY TICKETS**
8 **AVAILABLE FOR PURCHASE.**

9 **14-4005.**

10 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN**
11 **OPERATOR OF A VENUE OR AN AGENT OF THE OPERATOR MAY:**

12 **(1) MAINTAIN AND ENFORCE ANY POLICIES REGARDING CONDUCT OR**
13 **BEHAVIOR AT THE VENUE;**

14 **(2) ESTABLISH LIMITS ON THE QUANTITY OF TICKETS PURCHASED**
15 **DURING AN INITIAL SALE OF TICKETS FOR AN ENTERTAINMENT EVENT;**

16 **(3) REVOKE OR RESTRICT SEASON TICKETS FOR REASONS RELATING**
17 **TO VIOLATIONS OF VENUE POLICIES, INCLUDING:**

18 **(I) ATTEMPTS BY TWO OR MORE INDIVIDUALS TO GAIN**
19 **ADMISSION TO THE SAME ENTERTAINMENT EVENT USING TICKETS PURCHASED IN A**
20 **RESALE TRANSACTION, WITH EACH OF THE INDIVIDUALS PRESENTING A TICKET**
21 **ORIGINALLY ISSUED TO A SEASON TICKET HOLDER;**

22 **(II) CONCERNS REGARDING THE PROTECTION OR SAFETY OF**
23 **INDIVIDUALS AT THE VENUE; AND**

24 **(III) CONCERNS REGARDING POSSIBLE FRAUD OR MISCONDUCT;**
25 **AND**

26 **(4) RESTRICT THE OFFER FOR RESALE OR THE RESALE OF TICKETS**
27 **INITIALLY SOLD OR GIVEN TO INDIVIDUALS OR GROUPS AS PART OF A TARGETED**
28 **PROMOTION OR A DISCOUNTED PRICE BECAUSE OF THE INDIVIDUALS' OR GROUPS'**
29 **STATUS.**

30 **(B) THE RESTRICTION UNDER SUBSECTION (A)(4) OF THIS SECTION:**

1 (1) INCLUDES INDIVIDUALS OR GROUPS CHARACTERIZED BY A
2 DISABILITY, MEMBERSHIP IN A RELIGIOUS OR CIVIC ORGANIZATION, OR ECONOMIC
3 HARDSHIP; AND

4 (2) REQUIRES THAT TICKETS SOLD TO CERTAIN INDIVIDUALS OR
5 GROUPS:

6 (I) NOT BE OFFERED PROMOTIONALLY TO THE GENERAL
7 PUBLIC; AND

8 (II) BE MARKED CLEARLY AS TICKETS RESTRICTED TO THE
9 SPECIFIED INDIVIDUALS OR GROUPS.

10 [14-4002.] **14-4006.**

11 A person may not intentionally sell or use software to circumvent a security measure,
12 an access control system, or any other control or measure on a ticket seller's [Web site]
13 WEBSITE that is used to ensure an equitable ticket buying process.

14 [14-4003.] **14-4007.**

15 (a) This section does not apply to a person who is acting on behalf of a venue.

16 (b) A person who owns, operates, or controls a ticket website may not use in the
17 URL of the ticket website a lower-level domain name that contains:

18 (1) The name of the venue for which the ticket grants admission;

19 (2) The name of the entertainment event, including the name of an
20 individual or a group scheduled to perform or appear at the event; or

21 (3) A name substantially similar to the name in item (1) or (2) of this
22 subsection.

23 [14-4004.] **14-4008.**

24 A violation of this subtitle is:

25 (1) An unfair, **ABUSIVE**, or deceptive trade practice within the meaning of
26 Title 13 of this article; and

27 (2) Subject to the enforcement and penalty provisions contained in Title 13
28 of this article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023.